M.R.O. 1—77,003—8-6-37.

(1) Number of pages 8

(2) Date of repair 30.5-40.

(3) Initials of the Referencer J.

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 494 Press Mis.

21 A-E

Dated 24—3— 1874.

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
24th March 1874.

No. 211-A. Read the following letter from J. C. LOCH, Esq., President of the Municipal Commission, Madras, to the Hon. D. F. CARMICHAEL, Acting Chief Secretary to Government, Fort St. George, dated Madras, 21st March, 1874, No. 451 :—

I have the honour to request, that you will be good enough to move the Right Honourable the Governor in Council to grant me three months' privilege leave of absence from the 1st April next.

No. 211-B. MINUTE by the Hon. J. D. SIM, C.S.I., dated 25th March 1874.

Mr. Loch's application is, in my opinion, quite inadmissible.

If he were in the employ of Government as a Covenanted or Uncovenanted Civilian, he would only be entitled to one month's leave after every eleven months' work, the leave being allowed to accumulate up to three months after thirty-three months' work. I forget, and the papers circulated do not show, when he was appointed President, but he cannot possibly have earned two months' leave, while he asks for three.

Again, in their Order of the 19th August 1868, the Government decided that even two months' privilege leave could not conveniently be given to Officers of the Municipality, and the application of the then President, Colonel Denison, for sixty days' leave was declined, and only six weeks' leave was granted.

The Government, on the same occasion, ruled that it was inexpedient to allow such Officers to accumulate privilege leave up to three months after thirty-three months' work, and to compensate for this restriction consented to give six weeks in each year. This order is still in force ; no proposition to alter it is before Government ; and I submit that, in the face of it, we cannot give Mr. Loch three months' privilege leave for less than twenty-two weeks' work.

I consider that we are bound to look after the interests, pecuniary and other, of the Municipality even more closely than after our own ; and that we are not justified in giving a Municipal Officer more, at the expense of the Municipality, than we would give to a Government Officer similarly circumstanced at the expense of the State. Moreover, the precedent will be an embarrassing one, for we cannot refuse others what we grant to Mr. Loch.

I observe nothing said as to arrangements for the conduct of business during Mr. Loch's absence. As he will take the full pay of the office with him, there will be no funds wherewith to remunerate his successor, and I do not think it fitting that the onerous and responsible duties of the President should be left for three months to friendly and gratuitous assistance. The rate-payers will assuredly have cause to complain of their interests being thus cavalierly treated. Mr. Loch should, I think, be allowed six weeks' privilege leave. If he needs more, he must send in a sick certificate, and submit to such reduction of his allowances as will admit of a suitably paid *locum tenens* being appointed.

J. D. SIM.

No. 211-C. MINUTE by the Hon. W. ROBINSON, dated 25th March 1874.

I am constrained with regret to object to the grant of three (3) months' leave to Mr. Loch, President of the Municipal Commission, on the conditions and under the

private arrangement proposed. He practically seeks three months' leave on full pay on special grounds—an indulgence to which he is not entitled on any consideration of length of service or otherwise—Mr. Coleman executing the duties of the office without pay.

2. The application is for privilege leave. Mr. Loch has not, I believe, served for even one year's privilege leave, viz., six weeks. He is certainly entitled to no more; and I think that, when dealing with Municipal servant, the same strictness is incumbent on Government as if they were dealing with a servant of the State.

3. Under any circumstances the President of the Municipal Commission is not entitled to accumulative privilege leave. This is the special condition under which the period of privilege leave for each year was extended to six weeks instead of one month. No circumstances can justify summarily setting aside this rule, and giving accumulative leave for two years—partly in advance. The application contravenes every rule and condition of both Government and special service, and I think that the Municipality will have cause for complaint.

4. The thing is sought to be justified on the ground that Mr. Coleman will do Mr. Loch's work for nothing in the interim. To this sort of private arrangement there is the gravest objection. Mr. Coleman is probably a good enough representative. But the gratuitous service places Mr. Loch under obligation to one of the Commissioners, and must seriously embarrass, if it does not commit the Government to a certain course, should the appointment become vacant.

W. ROBINSON.

No. 211-D. MINUTE by the Right Hon. the PRESIDENT, dated 1st April 1874.

There appears to be no law or regulation, imperial or local, under which this leave cannot be granted to the President of the Municipal Commission. If he were a Government officer, we should be bound by the rules applicable to such officers. As it is, we are bound only to consider the question with reference to the equity of the case as regards Mr. Loch himself, and to the interests of the Municipality. Now upon this I may remark, that so far from its being the fact (as supposed by the Honourable Mr. Sim) that Mr. Loch, "if he were an Uncovenanted Civilian," would not be entitled to this leave, it is the fact that Mr. Loch, who *is* an Uncovenanted Civilian, has served *for three years* without leave; and, therefore, by my honourable colleague's own showing, he would be entitled, as such, to the three months' privilege leave now applied for.

As regards the interests of the Municipality, they are certainly in no way prejudiced by the proposed arrangement. No additional expense is imposed upon it: no want of provision for the efficient discharge of the duties of the office, during Mr. Loch's short absence, will result. Mr. Coleman, by all admission perfectly qualified to undertake the work, has agreed to do so *without pay* during the whole three months. Even in the Government service, if we could suppose an analogous case occurring, it seems doubtful whether it would be desirable to enforce the letter of our rule, the intention of which was simply to prevent undue additional expense being thrown upon the Government. In this case there is no such expense thrown upon the Municipality, and no reason therefore for applying a rule which no law or regulation obliges us to apply. The G. O. of

1868, referred to by Mr. Sim, cannot possibly be considered as precluding the Government from dealing with each such question as it arises, and upon its own merits.

I submit that, in the interest of the Municipality itself, it would not be desirable to deal thus harshly and inequitably with its most valuable, deserving, and hard-working member.

I can hardly think that the Honourable Mr. Robinson's argument, that the arrangement would place Mr. Loch under an obligation to one of the Commissioners, would be seriously maintained. It would be a reason for never allowing any member of any official body to act for a superior member of it without additional pay.

"Committing the Government to a certain course," in case the appointment should become vacant, seems also an untenable objection. I believe the nomination rests exclusively with the Governor; and, for my own part, I can only say that I recognize no such claim as that which is implied.

HOBART.

No. 211-E. MINUTE by His Excellency the COMMANDER-IN-CHIEF, dated 11th April 1874.

I fully concur in the views expressed by His Excellency the President.

FRED. P. HAINES.

No. 211-F. ORDER THEREON, 24th March 1874, No. 494.

Leave granted.

(True Extract.)

D. F. CARMICHAEL,
Acting Chief Secretary.

G. No. 451.

Municipal Commissioners' Office,

Madras 21st March 1874

From. J. C. Loch
President Municipal Commission
Madras.

To. D. F. Carmichael Esqre.
Ag Chief Secretary to Government
Fort St George.

Sir.

I have the honour to request that you will be good enough to move the Right Honble the Governor in Council to grant me three months Privilege Leave of absence from the 1st April next.

I have the honour to be
Sir
Your most obedient Servant
J. C. Loch.
President
Municipal Commission

ruled that it was in the discretion of the accumulate to allow such Officers to ~~allow~~ ~~accumulate~~ privilege leave up to 3 months after 3 yrs. service and to compensate for the restriction contained in this rule in such cases - the order is still in force - no substitution to allow it is made for it put, and the Rule that in the case of it - the Commd. pies the Lords 3 months privilege leave - for less than

6/ daily Gratuity - Rs. 1 per week during the allowed six weeks privilege leave if he needs more he must take it as a S.C and the Rule to that effect is cancelled

7/ Rs. 1 per week additional if a Subaltern has Children living although not Dependants

4/22 weeks cmte.

I am to state that as we are bound to credit the absentee with 6 days in every month, if the municipality of [illegible] can have their services for one month - and that as we are bound to grant a [illegible] in every case, at the end of the [illegible]

Rec'd 1874 Dept.
Proc. 24th March 1/74

From
J. C. Lock Esq
President Mun. Comm.
Madras

To
D. F. Carmichael Esq.
Offg. Chief Secretary to Govt
Fort St George.

Dated 21st March
Read - 23 -

G.O. No. 451
No. 7216

Requests to be granted three months' Privilege leave of absence from the 1st April next.

Order thereon 24 March 74 No 494
Leave granted

Gazetted 24/3

Minute by the Hon'ble J. D. Sim, C.S.I. dated 25th March 74
No. 2118.

Mr. Lock's application is, in my opinion quite in accordance

If he were in the employ of Govt. as a Covenanted or Uncovenanted Civilian, he would only be entitled to one month's leave after every eleven months work - the leave being allowed to accumulate up to 3 months after 33 months work - I forget and the Rules circulated do not show when he was appointed President, but he

4/22 weeks cmte.

I am to state that as we are bound to credit the absentee with 6 days in every month, if the municipality of [illegible] can have their services for one month - and that as we are bound to grant a [illegible] in every case, at the end of the [illegible]

No. 2118 - 2119